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Attorneys for Plaintiff
LORENA KLOSS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LORENA KLOSS,

Plaintiff,

vs.

MCCORMICK & SCHMICK'S
SEAFOOD RESTAURANTS, INC., a
corporation; MCCORMICK &
SCHMICK RESTAURANT CORP., a
corporation; SPENGER'S FRESH FISH
GROTTO, a corporation; FRANK
SPENGER COMPANY, a corporation;
and DOES 1 through 25 inclusive.

Defendants.

CASE NO.: 4:10-cv-03812-SBA

**STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LORENA KLOSS,

Plaintiff,

vs.

MCCORMICK & SCHMICK'S
SEAFOOD RESTAURANTS, INC., a
corporation; MCCORMICK &
SCHMICK RESTAURANT CORP., a
corporation; SPENGER'S FRESH FISH
GROTTO, a corporation; FRANK
SPENGER COMPANY, a corporation;
and DOES 1 through 25 inclusive.

Defendants.

CASE NO.: 4:10-cv-03812-SBA

**STIPULATION OF DISMISSAL AND
ORDER**

1 WHEREAS, Plaintiff Lorena Kloss wishes to dismiss without prejudice Defendant Frank
2 Spenger Company ("FSP") and Defendant Spenger's Fresh Fish Grotto from this lawsuit;

3 WHEREAS, Defendants MCCORMICK & SCHMICK'S SEAFOOD RESTAURANTS,
4 INC. and MCCORMICK & SCHMICK RESTAURANT CORP. served their Answer on August
5 23, 2010;

6 WHEREAS, Plaintiff Kloss and Defendants MCCORMICK & SCHMICK'S SEAFOOD
7 RESTAURANTS, INC. and MCCORMICK & SCHMICK RESTAURANT CORP. agree to such
8 dismissals with each party bearing her/its own costs; and

9 WHEREAS, Plaintiff Kloss and Defendant FSP have signed a tolling agreement providing
10 that Plaintiff Kloss will voluntarily dismiss FSP from this action without prejudice subject to her
11 right to again assert claims against FSP if Kloss obtains additional facts or evidence revealing a
12 basis for liability against FSP;

13 IT IS HEREBY STIPULATED by and between the parties hereto, though their respective
14 counsel, that Plaintiff LORENA KLOSS shall dismiss, and hereby does dismiss, all claims
15 against Defendants FRANK SPENGER COMPANY and SPENGER'S FRESH FISH GROTT
16 without prejudice pursuant to Federal Rules of Civil Procedure 41(a) with each side to bear its
17 own costs and attorneys' fees.
18

19 Dated: September 27, 2010

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Attorneys for Plaintiff LORENA KLOSS

1 Dated: September 4, 2010

2 October

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17 Attorneys for Defendants McCormick &
18 Schmick's Seafood Restaurants, Inc. and
19 McCormick & Schmick Restaurant Corp.

20 Dated: ~~September~~ OCTOBER 15, 2010

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Attorneys for Defendant FRANK SPENGER
COMPANY


ORDER

WHEREAS, the parties having stipulated, pursuant to Federal Rules of Civil Procedure 41(a), the Court hereby dismisses Defendant Frank Spenger Company and Defendant Spenger's Fresh Fish Grotto without prejudice, and all parties shall bear their own costs and attorneys' fees.

It is hereby **ORDERED**.

February 7, 2011

Dated: ~~October XXX, 2010~~


Hon. Sandra Brown Armstrong
United States District Court for the
Northern District of California